

STATE OF VERMONT  
AGENCY OF EDUCATION

In Re: LI-17-253

AFFIDAVIT

NOW COMES Investigator Robert B. Stafford, Jr., affiant, deposes on oath and states he has reasonable cause to believe Licensee Mario Macias engaged in unprofessional conduct as follows:

1. Because of the articles in the Burlington Free Press on August 9 and 11, 2017 and Vermont Digger on August 11, 2017 concerning allegations of unprofessional conduct against Burlington High School (BHS) Guidance Director Mario Macias made by former BHS Guidance Counselors Yvette Amblo and Larissa Urban, the Vermont Agency of Education opened an investigation into Macias' conduct.
2. On September 1, 2017, this writer interviewed former BHS Guidance Counselor Yvette Amblo, who had worked at BHS for 20 years. She said at the first retreat in 2016 with the BHS Guidance Department, Macias shamed the staff by telling them he had heard from other people that they were a bad department, they could not work with students and they never got to know their students. Amblo said in early September of 2016 during one of the Guidance Department weekly meetings held in Macias' office when she questioned him about department changes, he stood up behind his desk, leaned over it pointing his finger at her and said in an angry voice, "You are the problem." She said she felt he was trying to intimidate her, because his finger was about two feet from her face when he said this to her in front of the other Guidance staff. Former BHS Guidance Counselors Larissa Urban and Adrien Preston and current BHS Guidance Counselor Karen Prouty told this writer they were present when Macias did this to Amblo.
3. Amblo said in September 2016 the counselors met with BHS Principal Racicot about Macias' behavior and lack of leadership. She said they told

Racicot about an incident during a Guidance meeting when Macias demeaned and ridiculed Preston in front of not only the Guidance staff, but also a University of Vermont (UVM) practicum student. Amblo said Macias accused her about her going behind his back to Racicot. Amblo felt he was trying to intimidate her. Amblo said the other counselors and she went to Racicot on many occasions about Macias's unprofessional behavior, but were told by Racicot that they needed to help him to become successful and give him more time.

4. Amblo said Racicot finally suggested that the Guidance staff have a facilitated conversation (restorative) with Macias, which they did on February 1, 2018. Amblo advised that during the session with Macias, he appeared to have been coached on what to say the student said the staff were not allowed to voice their concerns. Because they never received any feedback from the session, in April of 2017 they sent Racicot a letter in which they asked for feedback. According to Amblo, Racicot never responded to their letter.
5. Amblo told this writer that former BHS Student 1 never received Individual Educational Plan (IEP) services for 18 months and probably should not have graduated in June 2017, because they had not earned enough credits to graduate and did not have a completed transcript prior to graduating. She said Macias was this student's guidance counselor.
6. Amblo said she decided to resign, because she could not be associated with a school where integrity was lacking. Plus, her trust factor was low with the Superintendent and School Board.
7. Former BHS Guidance Counselor Larissa Urban described Macias's behavior as being unprofessional, especially towards Amblo. She described working conditions under Macias as a culture of fear. She said she was afraid to approach Macias because of what he might say. She said BHS Principal Racicot told her that Macias was immature and did not intend to be mean. She said she found it hard going to work because of the hopeless working conditions in the Guidance Department, so she decided to look elsewhere for work after working for the Burlington School District (BSD) for 14 years.

8. Former BHS Guidance Registrar Colleen McSweeney advised this writer that before she resigned in 2017, she had been the registrar for the past nine years. She said she felt the staff's concerns were never heard during the intervention with Macias. She described Macias as being disrespectful and untruthful. She said she was surprised Student 1 had graduated, because she did not feel the student had earned enough credits to graduate. She said Macias told her because they did not know that Student 1 was supposed to be on a 504 Plan or IEP, then they could give them credit for classes the student had failed. She said she left because she could not work with and for Macias.
9. Retired BHS Horizon Director Lynn Kennedy advised this writer that when she told Macias there was no way to provide Student 1 with enough credits to graduate, he said Student 1 just needed to get the course credits that were indicated and he (Macias) would handle the rest. Kennedy said Racicot told her that she had gone to Superintendent Obeng to tell him that Macias was not working out, and when Obeng asked her if Macias was trainable, she (Racicot) told him no. Obeng told Racicot to give him one more year.
10. Former BHS Guidance Counselor Adrien Preston said she had been a Guidance Counselor at BHS for six years and resigned because Racicot was not supportive of the guidance staff before and after the intervention meeting with Macias. She said nothing changed as a result of the intervention.
11. Preston described an incident that occurred in March 2017, when Macias was condescending to her and shaming her in front of the guidance staff and a UVM student, who became upset by what she had witnessed. Preston felt Macias was sexist and treated the guidance counselors as little women and not as professionals.
12. Emily Russen told this writer that from January to May 2017 she did her UVM Counseling Practicum at the BHS Guidance Department and was assigned to Macias. She said she attended the guidance meeting when Macias became incensed with Preston concerning her involvement with a student's family. She felt Macias had scolded Preston, he had bombarded her and he should have spoken with Preston outside of the meeting, because it was not a staff issue. She said it was not appropriate for Macias to admonish Preston in front of the other counselors. Russen said she was shocked that Macias accused Preston of causing an issue for the school. She

said when Preston explained why she did what she did, Macias said she had done the right thing, but then told Assistant Principal Perez after the meeting that Preston was wrong in what she had done. Russen felt Macias told people what he thought they wanted to hear.

13. Russen said she requested not to be placed in the BHS Guidance Department as an intern, Because of Macias' unprofessionalism. She said she could not trust what Macias would say or do after reviewing videos of her interactions with students. She said she was scared that Macias would turn on her. Because of Macias' unprofessionalism during Tuesday staff meetings, she decided not to attend them.
14. Heidi Caldwell told this writer that from January to May of 2017 she did her UVM Counseling Practicum at the BHS Guidance Department and was assigned to Macias. She said she felt uncomfortable working with Macias because of his unethical behavior. Caldwell said on one occasion Macias received some very sensitive and personal information about a student that she was counseling. She said she was surprised by Macias calling the student into his office and making the student talk about the information he had received. Caldwell could tell that Macias' probing questions about the trauma the student had experienced earlier in life was causing this student to feel uncomfortable and shut down. Caldwell described Macias' intent during this meeting with the student as though he wanted the student to know that he knew about this very personal and traumatic period in the student's life. She said it was like a power trip for him. Caldwell said when she attempted to debrief with Macias about how he handled the meeting with the student, she soon realized Macias was not open to any feedback from her. She said she became uncomfortable working with Macias and was happy to leave BHS after having completed her practicum.
15. Dr. Lance Smith, Associate Professor in The Graduate Program in Counseling at UVM, told this writer that because of Macias' unethical behavior and approach towards BHS students and guidance counselors, UVM decided not to place anymore students from their practicum and intern programs with the BHS Guidance Department. He said that prior to this decision, UVM had been placing students at BHS for the past 20 years.
16. On September 21, 2017, this writer went to BHS where I requested a copy of Student 1's final transcript and IEP file from Principal Racicot, who

could not locate the student's file or final transcript. She said she was aware of the IEP issue and was appalled that the student had not received services. She requested that I return after the conclusion of the guidance meeting that was being held that morning. Upon returning to BHS, I was told by Racicot that it would be a little while before they had the transcript ready.

Approximately 20 minutes later Racicot brought me into her office where she said the transcript would be ready soon. When I finally received a copy of Student 1's final transcript, Macias told me that the transcript would not reflect the needed 24 credits to graduate, because they had waived senior seminar and language, which were one credit each. While in Racicot's office, I learned that Macias had in-putted the data that morning to complete Student 1's transcript, nearly three months after the student had graduated from BHS.

17. After reviewing what was purported to be Student 1's final transcript, this writer determined that the transcript was inaccurate, manufactured and did not provide enough credits for Student 1 to graduate from BHS.
18. When I asked Racicot how the transcript was put together on September 21, she said because Macias had not entered any of the grades from Horizons at the end of the previous school year in the manner he was supposed to have done so, Macias entered them the day I was waiting for the final transcript. As I went through the transcript line by line with Racicot, she described his work as being sloppy and careless. During the interview with Racicot, she said Macias had been put on an improvement plan for the 2017/2018 School Year and that she had put a letter in his file about his inappropriate interaction with a female substitute teacher. This writer learned that the substitute teacher was Mollie Bachner, who had also had been a student teacher at BHS.
19. Mollie Bachner told this writer that during the Fall of 2016 she student taught at BHS and then took a long term substitute teacher position for the rest of the 2016/2017 School Year at BHS. She said during a BHS faculty holiday party, Macias asked her for her cell phone number. She said after arriving home that evening, she received a text from Macias, who asked if she got home alright. She found his text to be weird and felt it was inappropriate for him to have sent it to her. On January 18, 2017 Macias texted Bachner, asking why she had not stopped by to see him. On January 19, 2017 Macias texted Bachner asking her to have lunch with him on

Friday, January 20. Bachner gave him reasons why she could not have lunch with him. On January 20, 2017 Macias texted Bachner asking about lunch, but she declined the invitation. He asked Bachner if she was going to chaperon the Winter Ball on January 21 and asked her about getting a drink after the dance. Later on that Friday, Macias went to Bachner's classroom where she was teaching. There was no school related reason why Macias needed to be in her classroom. On Monday, January 23, 2017, Macias sent text messages to Bachner, who advised this writer that she tried to avoid Macias and not have to speak with him. She felt he was trying to hit on her. She said there was no reason for Macias to interact with her, but he continued to do so with her. She said she was uncomfortable with the power he had and did not want to jeopardize her job. She said his behavior was inappropriate for someone in his position and who was married. She said Macias "creeped" her out.

20. BHS Guidance Counselor Karen Prouty told this writer that she was present during the Guidance Department weekly meeting when Macias told Amblo that she was the problem. Prouty said Macias was demeaning towards the staff during these meetings and would wag his finger at everyone when he was upset. She said Racicot told her that Macias was incompetent and she tried to get Macias transferred to Hunt Middle School.
21. Former BHS Guidance Counselor Simrat Peltier worked at BHS for just the 2017/2018 School Year, because she felt frustrated throughout the year and uncomfortable with Macias. She told this writer she was leaving BHS after the school year to take a position in another school district. She said when she was hired at BHS, Racicot told her that she (Racicot) wanted to know about any issues she encountered in guidance. She said she spoke with Racicot about Macias, but his behavior was never addressed. She felt the administration was not doing anything about Macias' reported unprofessionalism.
22. Peltier said that on September 22, 2017 Macias interrupted a meeting she was having with a colleague. In a demanding tone of voice, he told her he wanted to see her as he wagged his finger at her. Because the encounter made her feel so uncomfortable, she reported it to Racicot, who advised Peltier not to have any more closed door meetings with colleagues, as it may make Macias feel uncomfortable.

23. Peltier said in early January of 2018, Macias told her if she wanted to copy Racicot on emails that she (Peltier) was sending him, then he would copy Racicot on emails he was sending her (Peltier). She felt Macias was trying to intimidate her and became concerned every time she heard a knock on her door that it was Macias.

24. Macias told this writer that Student 1's advocate and the student's caseworker brought to his attention that Student 1 did not receive IEP services for 18 months. Macias said he never looked in the student's file. Macias said he had no idea why the student's transcript had not been completed prior to the student's graduation. Macias said he knew that Student 1 had the appropriate credits and enough of them, because BHS required 24 credits to graduate, while on the State web site the Agency of Education only required 20. Macias did not seem to understand that a BHS student needed 24 credits to graduate, not 20 credits. Macias said he used Student 1's 12/16/2016 Graduation Progress form and the student's Four Year Plan Worksheet to figure out the courses and credits to put on the student's final transcript, which he (Macias) completed on September 21, 2017. While this writer reviewed Student 1's final transcript with Macias, he said on many occasions he did not know where the class or grade came from. Macias said the 25.12 total credits on Student 1's final transcript was a calculation error.

25. On February 22, 2018 Mary Markley, who graduated from BHS in June 2018, advised this writer that her guidance counselor, Macias, was not submitting required records to the colleges she had applied to attend, and what records he was submitting were inaccurate, including when he submitted an inaccurate grade point average. She said Macias did not appear to be familiar with National Merit Scholarships and that prior to October 11 he needed to submit critical information on her behalf. Markley said Macias pulled her out of a German class into the hallway to show her that he was familiar with the scholarship process. She said when she was finished with Senior Seminar, Macias was supposed to remove her from the class in Power School, but did not and kept calling her everyday telling her that she was missing class. Even though Markley informed Macias that many of her colleges required mid-year reports with official grades, he wrote to her that BHS did not do mid-year transcripts. Markley said after she had questioned Macias concerning his submitting inaccurate information, Macias raised his voice and pointed to the guidance office telling her if she wanted a new

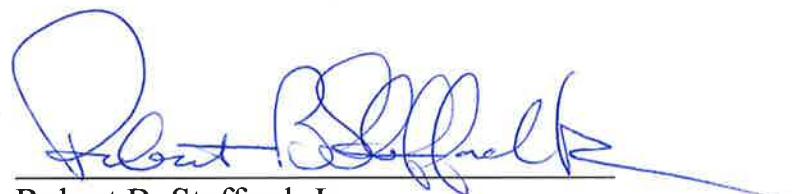
guidance counselor she could, “Go get one.” She said they were outside the Main Office when he said this to her. She said Macias was condescending, petty and rude towards her. She said she even had to send him an email correcting him on an announcement he had sent to BHS students letting them know that they could apply for an ACT K-12 Award. The award was not for students. Markley eventually requested to not have Macias as her guidance counselor.

26. On May 19, 2018 BHS Head Varsity Baseball Coach and Lead Math Teacher Marcel Girouard sent an email to members of the BSD administration team, including Principal Racicot and Superintendent Obeng, about Macias violating College Board rules for Advanced Placement (AP) testing when he proctored AP testing on May 18, 2018. Girouard reported during the first 90 minute test, Macias allowed students to vocally ask if they could start the designated break early since they were done with the test. According to Girouard, one student who was still working on test questions felt targeted and distracted and closed the student’s test book before finishing the test. Girouard reported that prior to the beginning of the second 90 minute test, students asked Macias if they could leave once they had finished their test. Macias told them they could leave once they were done. Girouard said students felt rushed and distracted.
27. On May 21, 2018 this writer received information from Student 2, who advised that he had just recently taken an Advanced Placement (AP) test proctored by Macias. He said he was in a room with ten other students. The student said Macias began chatting with students he knew and did not start the test until 45 minutes after the scheduled start time. He said Macias allowed students to talk with one another, write on the whiteboard and go to the bathroom with one another. The student said with 30 minutes left in the testing period, students asked out loud if they could take the 10 minute break early. Macias responded, “We can when everyone is finished.” as Macias gestured towards the only student who was still visibly working on the exam. Student 2 claimed that Macias’ comment put an enormous of pressure on the student and the student felt required to stop working early, which the student did. Student 2 said after the break between tests, Macias announced to the students he was going to make it easy on them by allowing them to leave once they had finished their test, even though the students were required to stay in the test room for the required 90 minute

testing period. Student 2 said some seniors did not even open their test books and left early, disrupting the testing process.

28. According to the College Board's *AP Coordinator's Manual*, Macias violated many of the security rules for testing students.

Further your affiant sayeth not.



Robert B. Stafford, Jr.  
Investigator, Agency of Education

Subscribed and sworn to before me on this 7 date of September, 2018.

  
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Notary Public

Exp 2/10/19